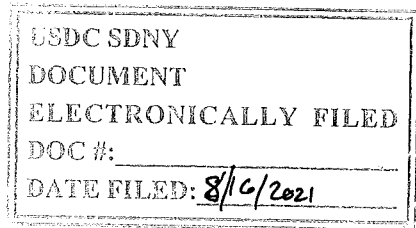


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
COREY A. LATIMER, SR.,  
Plaintiff,

v.

SUPERINTENDENT MARK ROYCE,  
Individually and as Superintendent of  
Greenhaven Correctional Facility; SERGEANT  
ROSITA ROSSY, in her Individual and Official  
Capacities; SERGEANT DAVID MAZELLA, in  
his Individual and Official Capacities;  
SHELLEY MALLOZZI, Individually and as  
Director of DOCCS's Inmate Grievance  
Program; and ANTHONY ANNUCCI,  
Individually and as Acting Commissioner of  
DOCCS,  
Defendants.

-----X

**AMENDED**  
**ORDER OF SERVICE**

21 CV 1275 (VB)

Plaintiff, proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights. On June 28, 2021, defendants moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #15). In his opposition to defendants' motion, plaintiff requested leave to file an amended complaint, which the Court granted by Order dated July 27, 2021. (Docs. ##18, 19).

On August 12, 2021, plaintiff filed an amended complaint. (Doc. #20). In the amended complaint, plaintiff adds claims against two new defendants: Anthony Annucci and Shelley Mallozzi.

To allow plaintiff to effect service on defendants Anthony Annucci and Shelley Mallozzi through the U.S. Marshals Service, the Clerk of Court is instructed to fill out U.S. Marshals Service Process Receipt and Return forms ("USM-285 form") for defendants Annucci and Mallozzi. The Clerk of Court is further instructed to issue summonses listing defendants Annucci and Mallozzi and deliver to the Marshals Service all paperwork necessary for the

Marshals Service to effect service upon defendants Annucci and Mallozzi. The service addresses for these defendants are appended to this Order.

It is plaintiff's responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

Moreover, because plaintiff has filed an amended complaint, defendants' motion to dismiss the original complaint is TERMINATED AS MOOT.

### CONCLUSION

The Court directs the Clerk of Court to complete the USM-285 form with the addresses for the listed defendants and deliver all documents necessary to effect service on defendants Annucci and Mallozzi to the U.S. Marshals Service.

Defendants' motion to dismiss is terminated as moot. The Clerk is instructed to terminate the motion. (Doc. #15).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: August 13, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge

APPENDIX

- 1) Anthony Annucci  
Department of Community Corrections and Community Supervision  
1220 Washington Avenue, Building 2  
Albany, NY 12226
- 2) Shelley Mallozzi  
Department of Community Corrections and Community Supervision  
1220 Washington Avenue, Building 2  
Albany, NY 12226